

### Remarks

Applicants have amended the specification to correct obvious typographical errors.

Applicants have amended claims 1, 7 and 8 and added new claims 9 –11. Claims 1 – 11 are now pending.

In the Office Action, the Examiner objected to claims 1, 7 and 8; rejected claim 7 under 35 U.S.C. 112, second paragraph; rejected claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Takagi (Japanese Publication No. 60-242740); rejected claims 3, 5, 7 and 8 under 35 U.S.C. 103(a) as being unpatentable over Takagi in view of Shiga (U.S. Patent No. 5,164,581); and rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Takagi in view of Shiga and Steiger (U.S. Patent No. 6,493,490). Applicants traverse these objections and rejections, at least for the following reasons.

Applicants have amended the claims in view of the Examiner's comments regarding the "optical signal" and "signal light" terminology and the terminology allegedly lacking a proper antecedent basis. Applicants submit that the present claims do not include any of the previously objected-to subject matter. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objections to claims 1, 7 and 8.

Claim 7 has been amended to replace an obvious typographical error, namely, the previous recitation of "holdinportionparatus" instead of "holding apparatus." Applicants therefore respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 112, second paragraph.

As for the art rejections applied to the claims, Applicants submit that Takagi does not disclose or suggest the combination recited in independent claim 1 comprising second photodetecting means, having a second photosensitive region disposed externally close to a periphery of said first photosensitive region, for outputting a second electric signal corresponding to the optical signal incident on said second photosensitive region. Although the Office Action states that Takagi teaches “first photodetecting means (DET1) having a first photosensitive region for outputting a first electric signal corresponding to said signal light detected by said first photosensitive region, [and] second photodetecting means (DET2) having a second photosensitive region disposed externally close to a periphery of said first photosensitive region (see Fig. 1),” Applicants submit that region (DET2) of Takagi is not arranged at the periphery of the alleged first photosensitive region (DET1). Instead, the incident light on the alleged second photosensitive region (DET2) is provided from photo-coupler (COUP) of Takagi Fig. 1. That is, light from photo-coupler (COUP) is provided to the first photosensitive region (DET1) and other light is provided to the second photosensitive region (DET2). Therefore, these alleged photosensitive regions of Takagi are relatively separate, in contrast to the combination of Applicants’ claim 1, which specifies that the “second photosensitive region [is] disposed externally close to a periphery of said first photosensitive region.”

Accordingly, Applicants submit that the Takagi reference does not disclose or suggest the combination recited in claim 1. Moreover, Applicants submit that the other applied references do not make up for the deficiencies in Takagi. Further, Applicants question the accuracy of the Office Action’s application of art to the various recited dependent claims. For

example, Applicants note that the Office Action states that “Shiga teaches (see Fig. 3A and 5) an optical receiver with first photodetecting means (30a) having a first photosensitive region (28) for outputting a first electric signal corresponding to said signal light detected by said first photosensitive region, second photodetecting means (30b) having a second photosensitive region (29) for outputting a second electric signal corresponding to said signal light incident on said second photosensitive region, and signal amplifying means (33) for amplifying, according to a predetermined operating current or voltage, said first electric signal outputted from said first photodetecting means.” However, the “according to a predetermined operating current or voltage” language referenced by the Office Action does not appear to be disclosed in Shiga. Instead, column 4, line 7 of Shiga essentially states that the output optical current is amplified by the amplifier 34 and is output to the terminal 36 as a monitor signal for determining the presence/absence of an input optical signal. In other words, the output signal from the alleged second photosensitive region (29) is merely used as for determination of the input optical signal, and is not used for controlling the alleged amplifying means (33).

In view of the foregoing, Applicants submit that the pending claims are patentable over the primary Takagi reference. Moreover, Applicants submit that the other applied references do not make up for the deficiencies in Takagi.

Accordingly, Applicants submit that the pending claims patentably distinguish over the applied references of record, at least for the foregoing reasons. Reconsideration and withdrawal of the objections and rejections set forth in the pending Office Action is therefore respectfully requested.

**CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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